Dear Judge Kollar-Kotelly:

I feel it is my responsibility as an American to object in the
strongest possible terms to the proposed antitrust settlement between
Microsoft and the U.S. Department of Justice. The proposed settlement
does little to punish Microsoft for past wrongdoings or to curb future
antitrust violations.

The settlement includes a number of loopholes which Microsoft can
exploit to hamper competitors. Probably the worst of these from my
perspective is Section III, Subsection J:

<blockquote>
J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions
   of APIs or Documentation or portions or layers of Communications Protocols
   the disclosure of which would compromise the security of a particular
   installation or group of installations of anti-piracy, anti-virus, software
   licensing, digital rights management, encryption or authentication systems,
   including without limitation, keys, authorization tokens or enforcement criteria;
   or (b) any API, interface or other information related to any Microsoft product if
   lawfully directed not to do so by a governmental agency of competent
   jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or
   Communications Protocol related to anti-piracy systems, anti-virus
   technologies, license enforcement mechanisms, authentication/authorization
   security, or third party intellectual property protection mechanisms of any
   Microsoft product to any person or entity on the requirement that the licensee:
   (a) has no history of software counterfeiting or piracy or willful violation of
   intellectual property rights, (b) has a reasonable business need for the API,
   Documentation or Communications Protocol for a planned or shipping product,
   (c) meets reasonable, objective standards established by Microsoft for certifying
   the authenticity and viability of its business, (d) agrees to submit, at its own
   expense, any computer program using such APIs, Documentation or
   Communication Protocols to third-party verification, approved by Microsoft, to
   test for and ensure verification and compliance with Microsoft specifications for
   use of the API or interface, which specifications shall be related to proper
   operation and integrity of the systems and mechanisms identified in this
   paragraph.
</blockquote>

This is a "get out of jail free" card for Microsoft as far as API and

protocol disclosure goes. By not disclosing how the security and
authentication portions of Microsoft's APIs and protocols work,
Microsoft is trying to hamper interoperability with their
authentication methods (including Microsoft Passport as well as their
bastardization of the standard Kerberos authetication library from
MIT) from being implemented on other platforms such as UNIX and Linux.
Furthermore, it gives them "carte blanche" to deny documentation on
any API or protocol, simply by claiming it's related to security or
authentication. Even worse is the fact that trying to keep something
secure by not describing how it works (a technique known as "security
through obscurity" in the computer/network security community) is well
known as unworkable with software as widely used as Microsoft's
products.

For an example of why this is a problem, consider the Samba project
(http://www.samba.org/). This is a worldwide cooperative (and largely
volunteer) open source effort to independently implement Microsoft's
file and printer sharing protocols for UNIX and Linux systems. Under
the proposed settlement, Microsoft could deny the Samba developers
access to Microsoft's authentication protocol documentation because
doing so could potentially compromise the security of their software.
This may not be what the authors of the proposed settlement intended,
but I would not be surprised to see it used in such a way.

Also conspicuously absent from the proposed settlement is any mention
of a mechanism by which Microsoft would be punished if they are found
to be in violation of any part of the settlement. It would appear
that any violations must be tried once again in court. I would submit
that specification of a large fine (eg. $1 million per day of
noncompliance) would act as a significant deterent to further
antitrust abuses.

I hope that you will take these comments into consideration before
enacting a final judgment in the Microsoft antitrust case. You will
find a much longer commentary on the proposed settlement at
http://www.kegel.com/remedy/remedy2.html, with which I agree almost in
its entirety.

Sincerely,
    Mr. Troy Baer
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    Hilliard, OH 43026
    (614) 850-7328
--
    Troy Baer, MS(AAE)   "My life's work has been to prompt
    tbaer@columbus.rr.com   others... and be forgotten."
http://home.columbus.rr.com/tbaer/ --Cyrano de Bergerac

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